

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	FINDING OF VIOLATION
Pole Zero Corporation)	
5530 Union Centre Drive)	EPA-5-01-OH-04
West Chester, OH 45069)	
)	
Proceedings Pursuant to the)	
Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Pole Zero Corporation ("Pole Zero") is violating Section 112 of the Clean Air Act ("Act"), 42 U.S.C. § 7412. Specifically, Pole Zero is violating the National Emission Standards for Halogenated Solvent Cleaning at 40 C.F.R. Part 63, Subpart T as follows:

Regulatory Authority

1. On December 2, 1994, in accordance with Section 112(b) of the Act, U.S. EPA promulgated National Emission Standards for Halogenated Solvent Cleaning, codified at 40 C.F.R. Part 63, Subpart T, 59 Fed. Reg. 61805.
2. Pursuant to 40 C.F.R. § 63.460(a), the provisions set forth at 40 C.F.R. Part 63, Subpart T, apply to each solvent cleaning machine that uses a solvent, as a cleaning and/or drying agent, in a total concentration greater than five percent by weight of any one or any combination of the following halogenated hazardous air pollutant ("HAP") solvents: carbon tetrachloride; chloroform; perchloroethylene; 1,1,1-trichloroethane; trichloroethylene and/or methylene chloride.
3. The rule at 40 C.F.R. § 63.460 (c) states that each solvent cleaning machine subject to 40 C.F.R. Part 63, Subpart T, that commences construction or reconstruction after November 29, 1993, shall achieve compliance with the provisions of

that subpart immediately upon start-up.

4. The rule at 40 C.F.R. § 63.463(a)(3) states that each cleaning machine shall have an automated parts handling system capable of moving parts or parts baskets at a speed of 3.4 meters per minute (11 feet per minute) or less from the initial loading of parts through removal of cleaned parts.
5. The rule at 40 C.F.R. § 63.463(e)(2)(i) states that if a freeboard refrigeration device is used to comply with these standards, the owner or operator shall ensure that the chilled air blanket temperature (in °F), measured at the center of the air blanket, is no greater than 30 percent of the solvent's boiling point.
6. The rule at 40 C.F.R. § 63.466(a) states that except as provided in paragraph (g) of this section, each owner or operator of a batch or in-line vapor solvent cleaning machine complying with the equipment standards in § 63.463(b)(1)(i), (b)(2)(i), (c)(1)(i), or (c)(2)(i) shall conduct monitoring and record the results on a weekly basis for the control devices.
7. The rule at 40 C.F.R. § 63.468(b) states that each owner or operator of a new solvent cleaning machine subject to the provisions of this subpart shall submit an initial notification report to the Administrator. New sources for which construction or reconstruction had commenced and initial start-up had not occurred before December 2, 1994, shall submit this report as soon as practicable before start-up but no later than January 31, 1995. New sources for which the construction or reconstruction commenced after December 2, 1994, shall submit this report as soon as practicable before construction or reconstruction is planned to commence. This report shall include all of the information required in § 63.5(d)(1) of subpart A (General Provisions), with the revisions and additions of paragraphs (b)(1) through (b)(3) of this section.
8. The rule at 40 C.F.R. § 63.468(d) states that each owner or operator of a batch vapor or in-line solvent cleaning machine complying with the provisions of § 63.463 shall

submit to the Administrator an initial statement of compliance for each solvent cleaning machine. For existing sources, this report shall be submitted to the Administrator no later than 150 days after the compliance date specified in § 63.460(d). For new sources, this report shall be submitted to the Administrator no later than 150 days after start-up or May 1, 1995, whichever is later. This statement shall include the requirements specified in paragraphs (d)(1) through (d)(6) of this section.

9. The rule at 40 C.F.R. § 63.468(f) states that each owner or operator of a batch vapor or in-line solvent cleaning machine complying with the provisions of § 63.463 shall submit an annual report by February 1 of the year following the one for which the reporting is being made. This report shall include the requirements specified in paragraphs (f)(1) through (f)(3) of this section.
10. The rule at 40 C.F.R. § 63.468(h) states that each owner or operator of a batch vapor or in-line solvent cleaning machine complying with the provisions of § 63.463 shall submit an exceedance report to the Administrator semiannually except when the Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source, or an exceedance occurs. Once an exceedance has occurred the owner or operator shall follow a quarterly reporting format until a request to reduce reporting frequency under paragraph (i) of this section is approved. Exceedance reports shall be delivered or postmarked by the 30th day following the end of each half or quarter, as appropriate. The exceedance report shall include the applicable information in paragraphs (h)(1) through (3) of this section.

FINDINGS OF FACT

11. Pole Zero owns and operates a batch vapor degreaser ("degreaser") at its facility located at 5530 Union Centre Drive, West Chester, Ohio.
12. The degreaser uses trichloroethylene in a total concentration greater than five percent by weight, as a cleaning and/or drying agent.

13. The degreaser has a solvent/air interface area less than thirteen square feet.
14. The degreaser is subject to the provisions of 40 C.F.R. Part 63 Subpart T, including 40 C.F.R. §§ 63.460, 63.463, 63.466, and 63.468.
15. Construction or reconstruction of the degreaser began after November 29, 1993.
16. An initial notification report was due prior to construction of the degreaser.
17. According to the initial notification Pole Zero submitted on June 20, 2000, the company chose the equipment standard at 40 C.F.R. § 63.463 as their anticipated compliance approach.
18. The degreaser was required to be in compliance with the provisions of 40 C.F.R. Part 63, Subpart T, immediately upon start-up.


FINDINGS OF VIOLATION

19. Based on information provided to U.S. EPA from Pole Zero in their response to a Request for Information, dated November 15, 2000, Pole Zero did not submit an initial notification report prior to construction, in violation of 40 C.F.R. § 63.468 (b).
20. Pole Zero failed to submit a statement of compliance within 150 days after start-up, in violation of 40 C.F.R. § 63.468(d).
21. Pole Zero failed to submit annual reports as required by 40 C.F.R. § 63.468(f), in violation of that regulation.
22. Pole Zero failed to submit exceedance reports as required by 40 C.F.R. § 63.468(h), in violation of that regulation.
23. According to the information referenced in paragraph nineteen, above, Pole Zero failed to have an automated parts handling system installed and operating at the time of

start-up of the degreaser, in violation of 40 C.F.R. § 63.463(a)(3).

24. On June 20, 2000, during an inspection of Pole Zero, inspectors from the Ohio Environmental Protection Agency observed that the freeboard refrigeration device was not operating and the degreaser temperature was above the limit, in violation of 40 C.F.R. § 63.463(e)(2)(i).
25. Also in the information referred to in paragraph nineteen, above, Pole Zero failed to monitor and record on a weekly basis the temperature of the freeboard refrigeration device, in violation of 40 C.F.R. § 63.466(a).
26. The degreaser's failure to achieve compliance with the provisions of 40 C.F.R. Part 63, Subpart T, immediately upon start-up constitutes violations of 40 C.F.R. §§ 63.460(d), 63.463(a)(3), 63.463(e)(2)(i), 63.466(a)(1), 63.468(d), (f), (h), and Section 112 of the Act, 42 U.S.C. § 7412.

12-27-00
Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, do hereby certify that a Notice of Violation and Finding of Violation was sent by Certified Mail, Return Receipt Requested, to:

Pole Zero Corporation
5530 Union Centre Drive
West Chester, Ohio 45609


I also certify that a copy of the Notice of Violation and Finding of Violation was sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Bradley Miller, Area Supervisor
Hamilton County Environmental Services
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660

on the 28th day of December, 2000.


Loretta Shaffer
Secretary, AECAS
(MN/OH)

7099 3400 0000 9601 4103
CERTIFIED MAIL RECEIPT NUMBER